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U.S. Coast Guard
33 CFR Part 103
USCG-2003-14733 -12
Area Maritime Security

The following pages 63 thru 73; are a portion of the transcript of the Public Meeting, held on Wednesday, July 23, 2003. The meeting was held at 9:00 a.m. in the Constitution Rooms A and B of the Grand Hyatt, 1000 H Street, NW, Washington, D.C., RADM Larry Hereth, Director of Port Security, presiding. This portion of the transcript pertains to Area Maritime Security.

Please note: The entire transcript is posted in Docket #USCG-2003-14792

1 reinforce our concern with this. More so since
2 nowhere in the docket the logic of this decision is
3 explained. So thank you for the time. And we will
4 submit -- we have comments submitted in the box here.

5 Thanks.

6 CDR ENGLEBERT: Thank you. We'll move
7 forward. We're now going to open the floor for
8 discussion on Part 103, Area Maritime Security. I'd
9 like you to limit your comments at this time to
10 Subpart A, Subpart B and Subpart C. Subpart A is the
11 general requirements. It includes the applicability
12 of this section and the definitions for this
13 particular section. Subpart B covers the designation
14 of the federal maritime security coordinator, the
15 authority of the Captain of the Port as the federal
16 maritime security coordinator. And Subpart C covers
17 the Area Maritime Security Committee. This Subpart
18 discusses the Committee, its composition and its
19 responsibilities. The floor is open for this
20 discussion.

21 ADM. NORTH: Good morning again. Bob
22 North, Lloyd's Register North America. Section
23 103.300, Area Maritime Security Committee,
24 specifically 103.300(b), specifies that the AMS
25 operates under a written charter but it's not

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1 specified who the chartering entity is.

2 Second, with regard to the area maritime
3 security plan, the plan as described in the
4 regulations will contain information impacting ship
5 operations that company security officers and ship
6 security officers should know in order for ships in
7 their security plans to fully complement AMS plans,
8 which are SSI protected. A provision should be made
9 for reasonable access by CSOs and SSOs to AMS plan
10 information on a need to know basis relevant to their
11 operations for those that have an SSI clearance and/or
12 perhaps a synopsis of pertinent information or
13 provisions of the AMS be made available to CSO and SSO
14 use, again, on a need to know basis pertinent to their
15 operations with an SSI clearance. Thank you.

16 MR. HEDRICK: Good morning, Admiral,
17 Commander and ladies and gentlemen. I'm Bill Hedrick
18 with Rowan Drilling Company of Houston, and I'm here
19 representing Rowan as well as the Offshore Operators
20 Committee. My comment is very brief on the AMS plan.

21 We simply wish to thank the Coast Guard for
22 recognizing the unique operating characteristics of
23 our industry in mandating the 8th District establish
24 an offshore or outer continental shelf area plan.
25 Industry is committed to going forward to populate the

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1 Committee as well as timely producing the AMS plan,
2 and we hope that this process begins soonest. Thank
3 you.

4 MR. SPACKMAN: Alan Spackman,
5 International Association of Drilling Contractors. We
6 would second Mr. Hedrick's comments regarding the need
7 to timely establish the AMS or the offshore outer
8 continental shelf portion in the Gulf of Mexico. We
9 also would express some concern with respect to the
10 Coast Guard's statements in its regulations that
11 existing port safety committees, port security
12 committees would be recognized. While we see the need
13 for the continuity that the Coast Guard's trying to
14 establish, we would question whether these committees
15 have taken into account the much broader scope of
16 application of the MTSA as opposed to their
17 preexistent concerns over port safety and security.
18 Thank you.

19 MR. VOLKLE: Skip Volkle from Maritrans
20 again since this is a different docket. I just want
21 to reiterate my comments with respect -- that I made
22 earlier about our concerns about the lack of Coast
23 Guard authority offshore to deal with security
24 incidents, establish security and safety zones and
25 also the jurisdictional conflict between the various

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1 agencies who are attempting to respond to a security
2 incident. Those jurisdictional limits need to be
3 clarified. And from our perspective, from the marine
4 sector, we think that the Coast Guard ought to be the
5 lead agency in responding to a security and/or safety
6 incident involving vessels offshore. Thank you.

7 MR. McLAUGHLIN: Lindsay McLaughlin,
8 International Longshore & Warehouse Union. We note in
9 Section 103.305 the composition of Area Maritime
10 Security Committees. Our Union members have been
11 asked to participate in local port security committees
12 up and down the west coast that have made a valuable
13 contribution already. We would request that labor,
14 representatives of, or port workers' labor
15 organizations be included in the composition of these
16 committees. Thank you.

17 MR. KICE: My name is Mike Kice. I'm with
18 P&O Ports. I have participated in one of the
19 committees in the Gulf Port area. It's a small
20 community, and I would encourage you to allow private
21 industry to be as involved as you can in the
22 committees. It's really brought the community
23 together on our maritime side, law enforcement,
24 Customs, fire departments all have gotten a forum to
25 discuss the different issues, and it really has worked

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1 in that area. Thank you.

2 MR. STIER: I'm Kevin Stier, and I'm
3 actually a member of the Area Maritime Security
4 Committees, and I want to recognize that some of these
5 committees should have also passenger vessels members
6 on them. Some of them many not in some of the local
7 areas. Because that's the committee that's going to
8 regulate the T-boats and the smaller charter boats,
9 and I think it's important to have that representation
10 so that they have a voice in how they're regulated
11 under these port security plans.

12 RADM HERETH: What committee are you a
13 member of?

14 MR. STIER: The St. Louis Committee of the
15 Quad Cities.

16 CAPT. ZALES: Bob Zales, II, Chairman of
17 NACO. We agree with everything that's been said here
18 so far, and we would encourage you to utilize -- NACO
19 has extensive research and database on the social and
20 economic impact of charter boats in the United States.

21 Our membership ranges from Alaska to the Gulf of
22 Mexico to Maine, and we would encourage you to utilize
23 that resource and involve us in your committees so
24 that you can get that type of information to work with
25 your benefit/risk assessments and what not to get a

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1 good, clear picture on what will happen to the social
2 and economic impact of the local communities on the
3 waterways. Thank you.

4 MR. ANTAL: Jim Antal, Port of Tacoma.
5 The AMS committees are supposed to address rules for
6 handling and protecting classified, sensitive
7 security, commercial sensitive and proprietary
8 information. I believe that there has to be a uniform
9 addressing of these matters simply because of the
10 information that has to be distributed to many people.

11 The information is critical across the board to many
12 people in the maritime community, not just the people
13 on the committee itself. I don't believe that the
14 handling of SSI --I know the Coast Guard is working on
15 coming up with some clarification on this, but I
16 believe it's got to be uniform across the board, and
17 I'm not sure the committees are the ones to decide
18 those things. So I just want to point that out.
19 Thank you.

20 CDR ENGLEBERT: Seeing no further comment
21 we'll move to Subpart D and Subpart E of Part 103.
22 Subpart D includes area maritime security assessment,
23 general requirements, the elements of the assessment
24 and the persons involved in conducting the assessment.
25 Subpart E talks to the area maritime security plan

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1 requirements, the elements that the plan must contain,
2 the review and approval requirements for these plans,
3 the exercise of these plans and the record keeping
4 requirements for them. The floor is now open for
5 comments on Subpart D and E or Part 103.

6 MR. PRAZAK: You're going to make me
7 lonely up here. My name is James Prazak, I'm with the
8 Dow Chemical Company, and I want to make a point about
9 the port vulnerability assessments for the area plan.

10 In many cases, facilities and vessels, and in
11 particular facilities like ours that are part of the
12 chemical industry and active members of the American
13 Chemistry Council, have already been required to go
14 through and do our vulnerability assessments for our
15 facilities, and we're actively involved to the
16 enhancements to our requirements for the facilities.
17 So we've gone through and done all this effort on the
18 vulnerability assessments. Well, just yesterday I
19 received a questionnaire from one of my facilities
20 that's already been through a vulnerability
21 assessment, but this is for the area vulnerability
22 assessment, and it's a 25-page packet that we have to
23 go through and fill out. It makes me wonder why we've
24 done ours if now we're having to go do another one to
25 provide all this information.

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1 Again, a lot of the information is
2 sensitive from a commercial standpoint and from a
3 security standpoint. We don't really like the idea of
4 releasing our vulnerability assessment, because,
5 again, that's inherent to the security of our
6 facility, but there's got to be a way to mesh all that
7 together so that we don't go out and repeat a bunch of
8 work. And so I guess my suggestion is if there would
9 be a possibility on a national level of getting some
10 stakeholders together, both from the port side and the
11 Coast Guard, from the local areas and some industry
12 and try to figure out how we can mesh all that
13 together so that we're not doing rework but we're
14 still meeting the needs of the area plan. Thank you.

15 RADM HERETH: I'm sorry, please tell us
16 who you got the 25-page document from.

17 MR. PRAZAK: It's one of my facilities out
18 on the east coast.

19 RADM HERETH: And who did they receive it
20 from?

21 MR. PRAZAK: It actually came from a
22 contractor working for the Area Committee. I don't
23 know the exact company, because I haven't actually
24 gone through all the nit-picky details of it. I've
25 got it here in my folder. If you'd like, I can come

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1 up during the break and show it to you. Thank you.

2 MR. SPACKMAN: Alan Spackman,
3 International Association of Drilling Contractors. I
4 would express some concern regarding the use of the
5 terminology, "port, within the AMS requirements. It
6 implies a geographic area much more limited structure
7 than it seems that the plans are meant to apply to and
8 may be confusing to some people trying to figure it
9 whether it applies to them or not.

10 CAPT. ZALES: Bob Zales, II, Chairman of
11 NACO once again. Just to reiterate on what I've
12 stated before and particularly Subpart D, we would
13 encourage the use of, like I said, our organization
14 plus the many, and this was clearly stated earlier by
15 another gentleman, the vast number of recreational
16 fishermen that are -- or recreational boaters that are
17 on our waterways in these committees for the purposes
18 of determining the best local knowledge for the areas
19 that you're going to deal with. There's a vast number
20 of recreational boaters out there that are willing to
21 help and have tons of advice and knowledge that
22 they're able to give you, and we would encourage the
23 use of that in any way possible. If you have to
24 advertise in local newspapers, media, whatever, how
25 you need to do it to get their participation, they're

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1 more than willing to do it. In many cases, they're
2 just not aware of how to get involved. So if you will
3 involve them, the system should work a whole lot
4 better. Thank you.

5 MR. HEDRICK: Good morning again. Bill
6 Hedrick with Rowan. One other point, if you don't
7 mind, on Part B, on the AMS Committee structure and
8 composition. We respectfully suggest that the
9 requirement of a minimum five years security
10 involvement or management be stricken and rather
11 substitute some wording or verbiage to the effect that
12 they must have at least five years of port, maritime
13 or offshore oil and gas experience. We believe by
14 changing that definition, making it more broad, you
15 will allow the composition of the committee to accept
16 individuals who have unique management experience,
17 different perspectives, all of which, we're convinced,
18 will enhance the ultimate AMS plan. Thank you.

19 CDR ENGLEBERT: Seeing no further comment,
20 I just want to thank all of the speakers so far.
21 They've been very succinct. I've had little need to
22 use my visual tools, and I appreciate that. You also
23 have been very good at telling us your comment and why
24 you believe that your comment is important; in other
25 words, I want this change because this. So at this

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1 time, we're going to take a break. Now, the people
2 are setting up coffee so we're a little bit early.
3 Unfortunately, I suggest that we not bowl them over as
4 they're trying to get the coffee cups set up for you.

5 But I am going to break now until 11 o'clock.

6 (Whereupon, the foregoing matter went off
7 the record at 10:47 a.m. and went back on
8 the record at 11:05 a.m.)

9 CDR ENGLEBERT: All right. We're ready to
10 resume. Please find your seat. I've asked the
11 panelists to please come back to the podium. I'm
12 going to start whether or not you're seated, and I'm
13 going to start whether or not you can hear me. Thank
14 you. The next section we're going to discuss and
15 receive comment on -- and, yes, I was serious, I am
16 starting. The next section that we're going to
17 discuss is Part 104, found on Federal Register Page
18 39302 through 15. Comments for Subpart A and Subpart
19 B will be accepted at this time.

20 Subpart A for Part 104 includes the
21 definitions for this section, the applicability for
22 this section, compliance dates, a discussion of
23 waivers and equivalence, the requirements for
24 alternative security programs, MARSEC directives and
25 rights to appeal. Of course, the last three in this

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